

Article - General Provisions

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§8–101.

(a) In this title the following words have the meanings indicated.

(b) (1) “Claim” means a request or demand, under a contract or otherwise, for money or other property, whether or not the governmental entity has title to the money or property, that is:

(i) presented to an officer, employee, or agent of a governmental entity; or

(ii) made to a contractor, a grantee, or another recipient, if the money or other property is to be spent or used on a governmental entity’s behalf or to advance an interest of a governmental entity, and the governmental entity:

1. provides or has provided any portion of the money or other property requested or demanded; or

2. will reimburse the contractor, grantee, or other recipient for any portion of the money or other property that is requested or demanded.

(2) “Claim” does not include requests or demands for money or other property that a governmental entity has paid to an individual as compensation for employment or as an income subsidy with no restrictions on that individual’s use of the money or other property.

(c) “Employee” means an individual who performs services:

(1) for and under the control and direction of an employer; and

(2) under an employer’s promise or implied promise of payment of wages or other remuneration.

(d) “Employer” means a person or group of persons that, acting directly or indirectly on behalf of another person or group of persons:

(1) allows an employee to perform services under the employer’s control and direction; and

(2) promises or implies that the employee will receive wages or other remuneration in payment for the performance of those services.

(e) “Governmental entity” means:

- (1) the State;
- (2) a county; or
- (3) a municipal corporation.

(f) (1) “Knowing” or “knowingly” means, with respect to information and without requiring proof of specific intent to defraud, that a person:

- (i) has actual knowledge that the information is false;
- (ii) acts in deliberate ignorance of the truth or falsity of the information; or
- (iii) acts in reckless disregard of the truth or falsity of the information.

(2) “Knowing” or “knowingly” does not mean, with respect to information, that a person acts in a manner that constitutes a mistake or negligence.

(g) “Material” means having a natural tendency to influence or be capable of influencing the payment or receipt of money or other property.

(h) “Obligation” means an established duty, whether or not fixed, arising from:

- (1) an express or implied:
 - (i) contractual relationship;
 - (ii) grantor–grantee relationship; or
 - (iii) licensor–licensee relationship;
- (2) a fee–based or similar relationship;
- (3) statute or regulation; or
- (4) the retention of an overpayment.

- (i) “Public body” means:
- (1) the General Assembly or any other elected body;
 - (2) a member or an employee of the General Assembly or any other elected body;
 - (3) a State court;
 - (4) a member or an employee of a State court;
 - (5) a State or local regulatory, administrative, or public agency or authority;
 - (6) an instrumentality of a State or local regulatory, administrative, or public agency or authority;
 - (7) a State or local law enforcement agency, prosecutorial office, or police or peace officer;
 - (8) a State or local department of an executive branch of government; or
 - (9) a division, a board, a bureau, an office, a committee, or a commission of any of the public bodies listed in this subsection.
- (j) “Retaliatory action” means discharging, suspending, demoting, threatening, harassing, or discriminating against an employee, a contractor, or an agent as a result of an activity described in § 8–107(a) of this title.
- (k) “Supervisor” means an individual within an employer’s organization who has the authority to:
- (1) direct and control the work performance of an employee; or
 - (2) take corrective action regarding the violation of a law or regulation that is the subject of a complaint or charge under this title.

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